**COMMISSIONERS** 

KRISTIN K. MAYES

GARY PIERCE

MIKE GLEASON – Chairman

WILLIAM A. MUNDELL JEFF HATCH-MILLER

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BEFORE THE ARIZONA CORPORATION C

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UM CANT CONSMICTER BUCKET CONTROL Arizona Corporation Commission

DOCKETED

AUG **03** 2007

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF AERIE CONSERVANCY, AN ARIZONA NONPROFIT CORPORATION, FOR ADJUDICATION THAT IT IS NOT A PUBLIC SERVICE CORPORATION **DOCKET NO. W-04291A-04-0843** 

COMPLIANCE FILING OF APPROVAL OF CONSTRUCTION

In Decision 67881 (June 1, 2005), the Arizona Corporation Commission ("Commission") ordered The Aerie Conservancy to file, within 24 months of the Decision date, documentation demonstrating its ownership of, and a copy of the Arizona Department of Environmental Quality ("ADEQ") Approval of Construction ("AOC") for: (i) the well, the 120,000-gallon storage tank and the booster pump comprising the backbone infrastructure for The Aerie; and (ii) the distribution infrastructure for lots 1-41 of The Aerie. *See* Decision 67881 at 11-12. On June 1, 2007, The Aerie Conservancy requested a 120-day extension of this compliance deadline. Administrative Law Judge Wolfe issued a procedural order ordering Commission Staff to respond to the extension request by July 16, 2007. In its Staff Report, Commission Staff did not oppose the extension request and recommended an extension until December 31, 2007. *See* Staff Report at 2 (July 16, 2007). The Commission has yet to rule on the extension request.

In compliance with Decision 67881, The Aerie Conservancy files a copy of the AOC for the well, storage tank, and booster pump, which was issued on July 13, 2007 by ADEQ. The Aerie Conservancy still needs the requested extension to file a copy of the AOC for the distribution infrastructure, which is currently under review by Yavapai County, and documentation demonstrating its ownership of the infrastructure.

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DATED this 3	3rd day	of August,	2007.
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## SNELL & WILMER

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Phoenix, Arizona 85004-2202
Attorneys for The Aerie Conservancy

ORIGINAL and thirteen (13) copies filed with Docket Control this 3rd day of August, 2007.

COPY of the foregoing hand-delivered this 3rd day of August, 2007, to:

Christopher Kempley, Chief Counsel Legal Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, Arizona 85007

Ernest G. Johnson, Director Utilities Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, Arizona 85007

Grian Ball



## ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALTY Certificate of Approval of Construction For a Water Distribution System

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Cc: Shephard Wesnitzer Engineers, Sedona